

## **OPEN SPACE COUNCIL**

June 6, 2012, 9:00 a.m.

Legislative Hall

Senate Hearing Room, Second Floor

Dover, Delaware

### **ATTENDANCE**

#### **Council Members:**

John R. Schroeder, Chairperson

Paul Boswell, Esq.

Gerald Brady, State Representative

George Bunting, State Senator

Lorraine Fleming

D. Wayne Holden

David Humes

C. Porter Schutt, III

#### **Ex-Officio:**

Charles A. Salkin, Parks & Recreation, DNREC

Ed Kee, Secretary, DDA

#### **Advisory To:**

Secretary Collin P. O'Mara

#### **Visitors**

Michael Graves, YMCA of Delaware

Terry Rasberry, YMCA of Delaware

Blaine Phillips, The Conservation Fund

Kate Hackett, Delaware Wild Lands

David Ennis

#### **Staff:**

Karen Bennett, Fish & Wildlife, DNREC

Matthew Chesser, Parks & Recreation, DNREC

Henry Poole, Associate Forestry Administrator, DDA

David Saveikis, Director, Fish & Wildlife, DNREC

Austin Short, Assistant Secretary, DDA

David Small, Office of the Secretary, DNREC

Elena Stewart, Parks & Recreation, DNREC

Michael Valenti, State Forester, DDA

Ron Vickers, Parks & Recreation, DNREC

Jeff Stone, DEDO

Pat Emory, Office of the Secretary, DNREC

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### **I      Call to Order/Announcements**

Mr. Schroeder, Chairperson, called the Open Space Council meeting to order at 9:06 a.m. He welcomed Council members, staff and visitors. He asked visitors to sign the attendance sheet.

## II Approval of Meetings Minutes

Mr. Schroeder asked for a motion to approve the March 7, 2012 meeting minutes. Council approved minutes, with corrections.

## III Financial Report

Mr. Vickers presented the Financial Report: The remaining FY2011 Realty Transfer Tax amount is \$695,321.71 and the new Realty Transfer Tax amount for FY2012 is \$9,000,000.00 resulting in a balance of \$9,695,321.71.

There are seven previously approved projects totaling \$1,835,000.00. In addition, there are two anticipated reimbursements of \$227,577 for J.G. Townsend and \$100,000.00 for Rockford Woodlawn Fund, leaving an available balance of \$8,187,898.71, remaining through 12/15/2012.

Three properties settled since the March 7, 2012 Council meeting.

- Harmon Property: 97.58 acre addition to Cedar Swamp Wildlife Area; donation in memory of Harmon family
- Marvel et al. Property: 339.16 acre addition to Redden State Forest; purchased with Federal Forest Legacy funds (\$2,010,000) and Open Space Program funds (\$670,000)
- Sheats Property: 22.33 acre addition to Blackbird State Forest; purchased with Open Space Program funds (\$223,300.00)

Mr. Vickers presented an updated 17-page Open Space Inventory of properties protected through the program. To date, total acres protected are: 52,540 spending \$241,929,656.20 of Open Space funds, plus \$72,559,258.67 from other funding sources for a total of \$314,488,914.87. Projects completed since 1990 total 336.

## IV Agency & Public Presentations

Mr. Schroeder asked for announcements and/or presentations from guests and staff. He asked visitors to introduce themselves and identify their affiliation.

Mr. Michael Graves, President of the YMCA, DE introduced himself and Mr. Terry Rasberry, YMCA, Sussex, Executive Director.

Mr. Graves said his team is looking at the state-owned property along Holland Glade Road, behind the Tangier Outlets, just north of Rehoboth Beach, as a possible site for recreational use. He did not have a specific proposal to bring forward at this time, but there have been several conversations with DNREC staff regarding the ability to put a building on this site. Ideas for discussion include an outdoor recreational facility with an outdoor swimming pool, day camp site, and athletic fields. He is also working with a coalition of other youth-serving organizations in the community. He asked if he could bring the study to Council after it is completed. The project is also concerned with providing economic development to the community.

Mr. Schroeder said the direction Mr. Graves should take, is to find out whether the space is available for this type of project. Before the YMCA spends time and money developing plans, it might be worthwhile for the Council to review the whole protocol of how Open Space land can be used.

Senator Bunting referred to a memo he sent to Council on this subject. His son and a business partner want to establish an enclosed structure for basketball, soccer, and lacrosse on a portion of this property. He suggested that the YMCA or other organizations like the Boys and Girls Club

might be interested in sharing this property. It might be helpful if a committee from DEDO could look into the commercial capabilities for this area.

Mr. Rasberry said this is not just a YMCA project. It is a comprehensive view including a local skateboard committee, the Rehoboth Little League, Delaware Greenways, West Side New Beginnings, Sports at the Beach, the Cape Henlopen School district, the Boys & Girls Club, Henlopen Soccer, a local lacrosse group, and Beebe Medical Center. All have shown an interest in using this property from a whole community perspective. Another use is creating a Can-Do playground like the one at Alapocas Run State Park and the one being constructed in Milford. This playground is designed for all kids and especially for kids with disabilities.

Mr. Schroeder appreciated the comments. He said the Council becoming involved in the details of a project like this would be unique. He suggested that the Council and the Department discuss this further before making a decision.

Mr. Salkin said when the YMCA and other entities approached the Department about this property; the Department was very concerned there were issues of development that was contrary to the Open Space Program. It may require a recommendation from the Council or General Assembly action to do such a project. The recent discussions with the YMCA and other proposals that Senator Bunting mentioned are tending to move away from just a facility development proposal. The Department prefers open space remain as open space instead of being developed. At this time, it is premature for the Department to agree to any specific proposal. The Department needs to determine if the property can accommodate any projects like this and if any proposals would be consistent with the mission of Cape Henlopen State Park. In addition, a public process would need to be established for comparing or selecting competing proposals. In addition, it would need to be determined the Council's role in all of this. He expressed his gratitude to the YMCA for coming to the meeting to discuss its concept.

Mrs. Fleming said it sounds as though there are two concepts and this would need further study and clarification.

Mr. Schroder said it would be prudent for Council to try to determine its role and respond to the YMCA before the next meeting.

Mr. Schroeder asked for a motion from Council to allow Mr. Blaine Phillips to remain for part of the Execution Session to explain a property. Motion carried.

V Executive Session - Discussion of Site Acquisition Contracts

The Council adjourned to Executive Session at 09:30 a.m. to discuss site acquisition contracts. The Council returned to Open Session at 11:47 a.m.

VI Project Recommendations

Based on discussion in Executive Session, the Council recommended the following:

- A. Dalmaso Property: 13.43 acre addition to Milford Neck Wildlife Area; potential for future use for federal match; within Delaware Bayshore Initiative area; moved, seconded, and agreed to recommend to the Secretary to negotiate up to \$56,000.00 to purchase property.
- B. Beigheder Property: 7.3 acre addition to Angola Neck Preserve; potential for future use for federal match; moved, seconded, and agreed to recommend to the Secretary to negotiate up to \$15,000 to purchase property.

- C. Royal Property: 0.5 acre addition to Nanticoke Wildlife Area; combination federal and Open Space funds; moved, seconded, and agreed to recommend to the Secretary to negotiate up to \$300,000.00 to purchase property.
- D. Morris Property: 868 acre addition to Ted Harvey Wildlife Area; moved, seconded, and agreed to recommend to the Secretary to proceed with ongoing negotiations and to seek alternative funding in addition to Open Space funds.
- E. Swain Property: 4.7 acre addition to Mispillion Harbor Reserve; moved, seconded, and agreed to recommend to the Secretary to proceed with ongoing negotiations and to purchase this property.
- F. Chesapeake Holdings; 145.20 acre addition to Assawoman Wildlife Area; moved, seconded, and agreed to recommend to the Secretary to proceed with ongoing negotiations.

Mr. Schroeder asked if there are any issues coming before the General Assembly before the end of the fiscal year that would impact the Open Space Council. If so, he would like the Council to have the opportunity to review such items and advise the Secretary on any action before it goes to the General Assembly and the public.

Secretary O'Mara said he is in discussion with staff and the Administration regarding increased and long-term funding of the Open Space Program. The items being reviewed are bonds, the Land and Water Conservation Trust Fund, the revenue stream from the Realty Transfer Tax, and the leveraging of other funding sources. He will share more details in the future.

Mrs. Fleming asked whether there would be legislation or bonding issues similar to what was used for the original funding of the program.

Secretary O'Mara said he did not know at this time since the funding sources are tied to other programs also.

Mr. Salkin said that the epilogue language from last year's Bond Bill related to the University of Delaware and the open space associated with the wind turbine in Lewes will likely be in the upcoming Bond Bill.

Mr. Schroeder asked for a copy of the language that is proposed for the Bond Bill.

## VII Next Meeting and Adjournment

The next Open Space Council meeting will be held at Legislative Hall, Second Floor, Senate Hearing Room, Dover, DE 19901, on September 5, 2012, starting at 9:00 a.m.

Mr. Schroeder asked for a motion to adjourn. The meeting adjourned at 11:54 a.m.